

## Exhibit 2

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

RICHARD ROGERS, individually and on  
behalf of similarly situated individuals,

*Plaintiff,*

v.

BNSF RAILWAY COMPANY, a Delaware  
corporation,

*Defendant.*

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

No. 2019-cv-03083

Hon. Matthew F. Kennelly

**DECLARATION OF EVAN M. MEYERS**

I, Evan M. Meyers, hereby aver, pursuant to 28 U.S.C. § 1746, that I am fully competent to make this Declaration, that I have personal knowledge of all matters set forth herein unless otherwise indicated, and that I would testify to all such matters if called as a witness in this matter.

1. I am an adult over the age of 18 and a resident of the state of Illinois. I am a partner with the law firm McGuire Law, P.C. (“McGuire Law”). I am licensed to practice law in the state of Illinois, and I, along with Myles McGuire, David L. Gerbie, and Brendan Duffner, am one of the attorneys representing Plaintiff Richard Rogers and the putative class in this matter alongside Jon Loevy and Michael I. Kanovitz of Loevy & Loevy (together, “Proposed Class Counsel.”) I am fully competent to make this Declaration and do so in support of Plaintiff’s Unopposed Motion in Support of Preliminary Approval of Class Action Settlement being submitted to this Court.<sup>1</sup>

2. McGuire Law is a litigation firm based in Chicago that focuses its practice on class actions and complex litigation, representing clients in state and federal trial and appellate courts throughout the country. In my role as an attorney at McGuire Law, I have served as class counsel

---

<sup>1</sup> Unless otherwise defined, capitalized terms used herein have the same meaning given to them as in the Parties’ Settlement Agreement.

on behalf of statewide and nationwide classes in a variety of class actions, including cases involving emerging technology, privacy issues, consumer fraud, products liability, and product mislabeling claims.

3. The attorneys at McGuire Law regularly handle complex litigation on behalf of consumers and have extensive experience in class action lawsuits similar in size and complexity to the instant case, including scores of BIPA class actions. McGuire Law attorneys and their firms have been appointed as class counsel in numerous class actions, including many BIPA class actions, in state and federal courts across the country. *See, e.g., Paluzzi, et al. v. mBlox, Inc., et al.* (Cir. Ct. Cook Cnty., Ill. 2009); *Parone et al. v. m-Qube, Inc. et al.* (Cir. Ct. Cook Cnty., Ill. 2010); *Satterfield v. Simon & Schuster* (N.D. Cal. 2010); *Lozano v. Twentieth Century Fox Film Corp, et al.* (N.D. Ill. 2011); *Schulken v. Washington Mutual Bank, et al.* (N.D. Cal. 2011); *In re Citibank HELOC Reduction Litigation* (N.D. Cal. 2012); *Rojas v. Career Education Corp.* (N.D. Ill. 2012); *In re Jiffy Lube Int'l, Inc. Text Spam Litigation* (S.D. Cal. 2013); *Robles v. Lucky Brand Jeans* (N.D. Cal. 2013); *Murray et al v. Bill Me Later, Inc.* (N.D. Ill. 2014); *Valladares et al. v. Blackboard, Inc. et al.* (Cir. Ct. Cook Cnty., Ill. 2016); *Hooker et al v. Sirius XM Radio, Inc.* (E.D. Va. 2017); *Flahive et al v. Inventurus Knowledge Solutions, Inc.* (Cir. Ct. Cook Cnty., Ill. 2017); *Serrano et al. v. A&M (2015) LLC* (N.D. Ill. 2017); *Zepeda et al. v. Intercontinental Hotels Group, Inc.* (Cir. Ct. Cook Cnty., Ill. 2018); *Vergara et al. v. Uber Technologies, Inc.* (N.D. Ill. 2018); *Sheeley v. Wilson Sporting Goods Co., 18-CH-04770* (Ill. Cir. Ct. 2018); *Zhirovetskiy v. Zayo Group, LLC* (Cir. Ct. Cook Cnty., Ill. 2019); *McGee et al v. LSC Communications, Inc., et al.* (Cir. Ct. Cook Cnty., Ill. 2019); *Prather et al. v. Wells Fargo Bank, N.A.* (N.D. Ill. 2019); *Nelson et al v. Nissan North America, Inc.,* (M.D. Tenn. 2019); *Smith v. Pineapple Hospitality Co., et al* (Cir. Ct. Cook Cnty., Ill. 2020); *Garcia v. Target Corp.* (D. Minn. 2020); *Burdette-Miller v. William &*

*Fudge, Inc.* (Cir. Ct. Cook Cnty., Ill. 2020); *Farag v. Kiip, Inc.* (Cir. Ct. Cook Cnty., Ill. 2020); *Lopez v. Multimedia Sales & Marketing, Inc.* (Cir. Ct. Cook Cnty., Ill. 2020); *Prelipceanu v. Jumio Corp.* (Cir. Ct. Cook Cnty., Ill. 2020); *Williams v. Swissport USA, Inc.* (Cir. Ct. Cook Cnty., Ill. 2020); *Glynn v. eDriving, LLC* (Cir. Ct. Cook Cnty., Ill. 2020); *Pearlstone v. Wal-Mart Stores, Inc.* (E.D. Mo. 2021); *Kusinski v. ADP, LLC* (Cir. Ct. Cook Cnty., Ill. 2021); *Draland v. Timeclock Plus, LLC* (Cir. Ct. Cook Cnty., Ill. 2021); *Harrison v. Fingercheck, LLC* (Cir. Ct. Lake Cnty., Ill. 2021); *Rogers v. CSX Intermodal Terminals, Inc.* (Cir. Ct. Cook Cnty., Ill. 2021); *Freeman-McKee v. Alliance Ground Int'l, LLC* (Cir. Ct. Cook Cnty., Ill. 2021); *Gonzalez v. Silva Int'l, Inc.* (Cir. Ct. Cook Cnty., Ill. 2021); *Salkauskaite v. Sephora USA, Inc.* (Cir. Ct. Cook Cnty., Ill. 2021); *Williams v. Inpax Shipping Solutions, Inc.* (Cir. Ct. Cook Cnty., Ill. 2021); *Roberts v. Paramount Staffing, Inc.* (Cir. Ct. Cook Cnty., Ill. 2021); *Roberts v. Paychex, Inc.* (Cir. Ct. Cook Cnty., Ill. 2021); *Zanca v. Epic Games, Inc.* (Superior Ct. Wake Cnty., N.C. 2021); *Rapai v. Hyatt Corp.* (Cir. Ct. Cook Cnty., Ill. 2022); *Jackson v. UKG, Inc.* (Cir. Ct. McLean Cnty., Ill. 2022); *Vo v. Luxottica of America, Inc.* (Cir. Ct. Cook Cnty., Ill. 2022); *Rogers v. Illinois Central Railroad Co.* (Cir. Ct. Cook Cnty., Ill. 2022); *Stiles v. Specialty Promotions, Inc.* (Cir. Ct. Cook Cnty., Ill. 2022); *Fongers v. CareerBuilder LLC* (Cir. Ct. Cook Cnty., Ill. 2022); *Vega v. Mid-America Taping & Reeling, Inc.* (Cir. Ct. DuPage Cnty., Ill. 2022); *Wood et al. v. FCA US LLC* (E.D. Mich. 2022); *Marzec v. Reladyne, LLC* (Cir. Ct. Cook Cnty., Ill. 2022); *Komorski v. Polmax Logistics, LLC et al.* (Cir. Ct. Cook Cnty., Ill. 2022); *Wordlaw v. Enterprise Holdings, Inc. et al.* (N.D. Ill. 2023); *McGowan v. Veriff, Inc.* (Cir. Ct. DuPage Cnty., Ill. 2023); *Davis v. Cafeteria Alternatives, Inc.* (Cir. Ct. Cook Cnty., Ill. 2023); *Mahmood v. Berbix Inc.* (Cir. Ct. Lake Cnty., Ill. 2023); *King v. Peoplenet Corporation* (Cir. Ct. Cook Cnty., Ill. 2023); *McFarland v. SIU Physicians & Surgeons, Inc.* (Cir. Ct. Jackson Cnty., Ill. 2023); *Romero v. Mini Storage Maintenance, LLC* (Cir. Ct. Cook

Cnty., Ill. 2023); *Grabowska v. The Millard Group, LLC* (Cir. Ct. Cook Cnty., Ill. 2023); *Fregoso v. American Airlines, Inc.* (Cir. Ct. Cook Cnty., Ill. 2023). A detailed firm resume is attached hereto as Exhibit A.

4. I received my B.A. from the University of Michigan and graduated from the University of Illinois College of Law in 2002. In addition to my experience with scores of class actions, I have extensive experience in complex commercial litigation, I have been appointed as class counsel in numerous BIPA class actions, and I have regularly litigated cases in state and federal trial and appellate courts across the nation, including in the U.S. District Court for the Northern District of Illinois, the Circuit Court of Cook County, the U.S. District Court for the Eastern District of Michigan, the Ninth Circuit Court of Appeals, the Judicial Panel on Multidistrict Litigation, and the U.S. Supreme Court, where I served as co-lead counsel in a case of seminal importance to class action jurisprudence nationwide. *See Campbell-Ewald Co. v. Jose Gomez*, 136 S. Ct. 663 (2016).

5. Myles McGuire is the Managing Partner of McGuire Law. Mr. McGuire has been recognized as a leader in class actions by his peers and courts around the country and has been appointed lead counsel in numerous state and federal class actions. Mr. McGuire has successfully prosecuted claims on behalf of his clients in trial and appellate courts at both the state and federal levels throughout the country involving consumer fraud, unfair competition, invasion of privacy, false advertising, and breach of contract, among others. Mr. McGuire is a graduate of Marquette University and Marquette University Law School and is admitted to practice in the Illinois Supreme Court, Wisconsin Supreme Court, and the U.S. Supreme Court, where he was co-lead counsel in the *Campbell-Ewald Co. v. Gomez* matter. Prior to founding McGuire Law, P.C. in 2013, Mr. McGuire was a managing member of Edelson McGuire, LLC.

6. My colleague David L. Gerbie is a partner at McGuire Law and represents the interests of Illinois residents and workers in dozens of BIPA class actions. Mr. Gerbie has been appointed class counsel in several BIPA class action settlements, including the first-ever BIPA settlement involving an employer's use of biometric timekeeping devices. *Zepeda v. Intercontinental Hotels Group, Inc.*, 18-CH-2140 (Cir. Ct. Cook Cnty., Ill.). Mr. Gerbie received his B.A. from Northern Illinois University and received his J.D. from the University of Wisconsin Law School.

7. My colleague Brendan Duffner is an associate attorney at McGuire Law with experience as class counsel in numerous consumer and employee class actions, including many BIPA cases, in state and federal courts in Illinois and throughout the country. Mr. Duffner received his B.A. from the University of Wisconsin-Madison and his J.D. from the Saint Louis University of School of Law.

8. The extensive procedural history of the Litigation is accurately reflected in Section II(B) of Plaintiff's Motion for Preliminary Approval. On September 8, 2023, just prior to the retrial in the Federal Case scheduled for October 2, 2023 and the State Court oral argument and ruling on Plaintiff's Motion for Class Certification and Defendant's Motion for Judgment on the Pleadings, then scheduled to occur on September 29, 2023, the Court held a court-mediated settlement conference in an attempt to resolve the Litigation, which ultimately led to the settlement.

9. Following this settlement conference, and over the ensuing months, the Parties engaged in further confirmatory discovery and extensive negotiations regarding the contours of the settlement agreement and attendant documents, including among other things the relief provided to the class members, the details of the Class Notice, and the scope of the release, before executing the Settlement Agreement submitted herewith to this Court.

10. Proposed Class Counsel have concluded that the Settlement Agreement reached in this matter is fair, reasonable and adequate in light of the attendant risks of protracted litigation. While I believe that the merit of Plaintiff's claims could and would ultimately be proven, I recognize the considerable risk and inherent uncertainty that continued litigation imposes on Plaintiff and the certified class members, especially given the numerous issues of first impression that bear upon BIPA cases and many of Defendant's defenses. Based on the investigation, discovery, extensive motion practice, and trial that has occurred in the Litigation, together with years of experience prosecuting class actions in courts throughout the nation, including scores of BIPA class actions, I believe that the settlement reached in this matter is in the best interests of Plaintiff and the Settlement Class Members.

11. I and the other Proposed Class Counsel have diligently investigated the facts and claims in this matter and have dedicated substantial resources to this matter since it was commenced on April 4, 2019. Among other things, McGuire Law has: (i) investigated the nature of the biometrically-enabled automatic gate systems utilized by Defendant; (ii) evaluated the facts giving rise to the claims asserted by Plaintiffs, including potential defenses thereto; (iii) briefed Defendant's Motion to Dismiss; (iv) engaged in extensive written and oral party and third-party discovery; (v) briefed Plaintiff Rogers's Motion for Class Certification in the Federal Case; (vi) briefed Defendant's Motion for Summary Judgment; (vii) conducted additional discovery in the State Case; (viii) briefed and argued the Parties' pretrial motions; (ix) participated in the trial in the Federal Case; (x) briefed the Parties' post-trial motions; (xi) briefed Plaintiffs' Motion for Class Certification in the State Case; (xii) briefed Defendant's Motion for Judgment on the Pleadings in the State Case; (xiii) attended multiple mediations and settlement conferences with three different neutrals; (xiv) participated in multiple rounds of arm's-length negotiations

following a settlement conference in the Federal Case; and (xv) prepared the final executed settlement agreement and related documents, including participating in communications and negotiations involving, *inter alia*, the claims administration process, the scope of release, and the compensation provided to putative class members. I believe the settlement reached in this matter is fair and in the best interests of the Settlement Class.

12. With respect to the notice and claims administration process, Proposed Class Counsel have been in communication with Epiq Class Action & Claims Solutions, Inc., the Parties' proposed Settlement Administrator, who issued notice in connection with class certification in the Federal Case. Epiq has estimated that the costs of administration of the Settlement will be approximately \$245,111.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 26, 2024 in Deerfield, Illinois.

/s/ Evan M. Meyers  
Evan M. Meyers, Esq.



# Exhibit A

## MCGUIRE LAW, P.C. FIRM RESUME

MCGUIRE LAW, P.C. is a plaintiffs' class action and commercial litigation firm in Chicago, Illinois.

Our attorneys have been recognized as leaders in these fields by state attorneys general, legislatures, national media groups, the courts, and our peers. Our attorneys have served as lead counsel in many high-profile class action lawsuits, including mobile content class actions against major cellular telephone carriers and their subcontractors, class actions against auto manufacturers, data privacy actions, home equity credit reduction cases against major banks and other financial institutions, consumer product labeling matters, and numerous biometric privacy cases, including the first ever biometric privacy settlement involving workers, among many others. Our attorneys have had important and successful involvement in lawsuits involving the Flint Water Crisis and have also recently served victoriously as co-lead counsel in the U.S. Supreme Court in a case of seminal importance to class action jurisprudence nationwide. *See Campbell-Ewald Co. v. Gomez*, 136 S. Ct. 663 (2016). We have been asked to submit testimony to Members of Congress on issues related to class actions and have repeatedly worked with federal and state regulatory agencies involving matters at issue in our cases. Our attorneys are frequently invited to appear on local and national television and radio programs and to speak to the press and others about our cases and about consumer protection and class action issues more generally.

### CLASS ACTION PRACTICE GROUP

---

MCGUIRE LAW, P.C. is a leader in plaintiffs' class and mass action litigation, with a particular emphasis on class actions involving emerging technologies and consumer privacy. As has been recognized by federal courts, attorneys at our firm have an extensive history of experience in complex class action litigation and are well-respected in the plaintiffs' class action bar.

We have several sub-groups within our plaintiffs' class practice group:

**Technology Class Actions:** McGuire attorneys have established key precedents in a variety of consumer protection statutes applied to emerging technologies, such as the Telephone Consumer Protection Act, resulting in the settlement of a multitude of nationwide class actions involving both cellular and landline telephony, including against corporate leaders such as Verizon, AT&T, Wells Fargo, and many others, and collectively worth over one hundred million dollars.

#### **Representative Settlements:**

- *Murray v. Bill Me Later, Inc.* No. 12-cv-04789 (N.D. Ill.): Co-lead counsel in class action brought on behalf of consumers for deceptive debt collection calls placed in violation of the TCPA. Resulted in class settlement for \$10 million.

- *Valladares v. Blackboard Connect, Inc.* No. 16-CH-06482 (Cir. Ct. Cook Cnty., Ill.): Lead counsel in \$7.5 million TCPA class action settlement.
- *Hooker v. Sirius XM Radio, Inc.*, No. 13-cv-00003 (E.D. Va.): Co-lead counsel in \$35 million deceptive marketing calls class action settlement.
- *Vergara v. Uber Technologies, Inc.*, No. 15-cv-06942 (N.D. Ill.): Co-lead counsel in \$20 million TCPA class action settlement.
- *Drazen v. Godaddy.com, LLC*, No. 19-cv-00563 (S.D. Ala.): Co-lead counsel in \$35 million TCPA class action settlement.
- *Truong v. Peak Campus Management, LLC*, No. 16-CH-09735 (Cir. Ct. Cook Cnty., Ill.): Co-lead counsel in \$7 million TCPA class action settlement.
- *Kovach v. Compass Bank, N.A.*, No. 18-cv-09734 (Cir. Ct. Jefferson County, AL): Lead counsel in \$7 million TCPA class action settlement.
- *Garcia v. Target Corporation*, No. 16-cv-09734 (D. Minn.): Co-lead counsel in \$7 million unlawful debt collection class action settlement.
- *Oliver v. The Mens Wearhouse, Inc.* No. 16-cv-00110 (C.D. Cal.): Lead counsel in \$2 million TCPA class action settlement.
- *Manouchehouri v. Styles For Less, Inc.*, No. 15-cv-01234 (S.D. Cal.): Co-lead counsel in \$4 million TCPA class action settlement.
- *Prather v. Wells Fargo Bank, N.A.*, No. 17-cv-00481 (N.D. Ill.): Co-lead counsel in \$18 million TCPA class action settlement.
- *Seal v. RCN Telecom Servs., LLC*, 16-CH-07073 (Ill. Cir. Ct. Cook Cnty.): Member of litigation team that obtained \$6 TCPA million class settlement.
- *Dunn et al., v. Wells Fargo Bank, N.A.*, No. 17-cv-00481 (N.D. Ill.): Co-lead counsel in \$17.85 million TCPA class action settlement.

**Banking Class Actions:** McGuire attorneys were at the forefront of class action litigation in the aftermath of the economic collapse in 2008 and the federal bailouts of the banks, including nationwide class actions based on claims that some of the largest national banks unlawfully suspended home equity lines of credit lines and failed to honor loan modification programs.

#### **Representative Settlements:**

- *Hamilton v. Wells Fargo Bank, N.A.*, 09-cv-04512 (N.D. Cal.): Lead Counsel in class actions challenging Wells Fargo's suspensions of home equity lines of credit. Nationwide settlement restored access to over \$1 billion in credit and provided industry leading service enhancements and injunctive relief.
- *In re JP Morgan Chase Bank Home Equity Line of Credit Litigation*, 10-cv-3647 (N.D. Ill.): Court appointed interim co-lead counsel in nationwide class action alleging illegal suspensions of home equity credit lines. Resulted in

a class settlement providing for the reinstatement of more than \$2 billion in consumer credit.

- *Levin v. Citibank, N.A.*, C-09-0350 (N.D. Cal.): Court appointed interim co-lead counsel in nationwide class action alleging illegal suspensions of home equity credit lines. Resulted in class settlement providing hundreds of millions of dollars in consumer credit.

**Biometric Privacy Litigation:** MCGUIRE LAW is a national leader in biometric privacy litigation, particularly the distinct subset of BIPA employment litigation. In March 2022, McGuire attorneys certified the first adversarial class in a BIPA case in Illinois. *Rogers v. BNSF Railway Co.*, No. 19-cv-03083 (N.D. Ill.) Later that year, along with trial counsel, McGuire attorneys earned a \$228 million judgment for the certified class in the same case—also the first ever BIPA case to go to trial.

### **Representative Settlements:**

- *Zhirovetskiy v. Zayo Group, LLC*, 17-CH-09323 (Cir. Ct. Cook Cnty., Ill.): Lead counsel in \$1 million biometric privacy class action settlement.
- *Zepeda v. Intercontinental Hotels Group, Inc.*, 18-CH-02140 (Cir. Ct. Cook Cnty., Ill.): Lead counsel in first-ever employee class settlement under BIPA. Recovered then-record amount of \$500 per class member.
- *Marshall v. Life Time Fitness, Inc.*, 17-CH-14262 (Cir. Ct. Cook Cnty., Ill.): Lead counsel in \$1.7 million biometric privacy class action settlement.
- *Prelipceanu v. Jumio Corp.*, 18-CH-15883 (Cir. Ct. Cook Cnty., Ill.): Lead counsel in \$7 million biometric privacy class action settlement.
- *Rogers v. CSX Intermodal Terminals, Inc.* (Cir. Ct. Cook Cnty., Ill.): Lead counsel in \$5.25 million biometric privacy class action settlement.
- *Bernal v. ADP, LLC*, 17-CH-12364 (Cir. Ct. Cook Cnty., Ill.): Co-lead counsel in \$25 million biometric privacy class action settlement.
- *Jackson v. UKG, Inc.*, 2020L31 (McLean Cnty., Ill.): Lead counsel in \$3.36 million biometric privacy class action settlement.
- *Salkauskaite v. Sephora USA, Inc.*, 18-CH-14379 (Cir. Ct. Cook Cnty., Ill.): Lead counsel in \$1.25 million biometric privacy class action settlement.
- *Williams v. Swissport USA, Inc.*, 19-CH-00973 (Cir. Ct. Cook Cnty., Ill.): Lead/Co-lead counsel in \$2.3 million biometric privacy class action settlement.
- *Roberts v. Paychex, Inc.*, 19-CH-00205 (Cir. Ct. Cook Cnty., Ill.): Lead/Co-lead counsel in \$3.37 million biometric privacy class action settlement.
- *Rogers v. Illinois Central Railroad Company*, 19-CH-05129 (Cir. Ct. Cook Cnty., Ill.): Lead counsel in \$3.8 million biometric privacy class action settlement.
- *Vo v. Luxottica of America, Inc.*, 19-CH-10946 (Cir. Ct. Cook Cnty., Ill.): Lead counsel in \$8 million biometric privacy class action settlement.

**General Consumer Protection Class Actions:** MCGUIRE LAW has successfully prosecuted class action suits against automotive manufacturers, technology companies, retail chains, and other businesses on behalf of consumers.

**Representative Settlements:**

- *Nelson v. Nissan North America, Inc.*, No. 17-cv-01140 (M.D. Tenn.): Lead counsel in defective paint class action settlement.
- *Farag v. Kiip, Inc.*, No. 18-CH-31842 (Cir. Ct. Cook Cnty., Ill.): Lead counsel in unlawful smart phone tracking class action settlement.
- *In re: Valsartan Products Liability Litigation*, MDL No. 19-2875 (D.N.J.): Appointed to Plaintiffs' Steering Committee in multidistrict defective pharmaceutical litigation.
- *Farag v. Kiip, Inc.*, No. 18-CH-31842 (Cir. Ct. Cook Cnty., Ill.): Lead counsel in unlawful smart phone tracking class action settlement.
- *Sheeley v. Wilson Sporting Goods, Inc.* No. 18-CH-04470 (Cir. Ct. Cook Cnty., Ill.): Lead counsel in defective baseball equipment class action settlement.
- *Pearlstone v. Wal-Mart Stores, Inc.*, No. 17-cv-02856 (E.D. Mo.): Lead counsel in \$5 million class action settlement involving unlawful refund policies
- *Burdette-Miller v. Williams & Fudge, Inc.*, No. 2016-M6-000470 (Ill. Cir. Ct. Cook Cnty.): Lead counsel in \$1.5 million class action settlement involving unlawful and fraudulent debt collection practices.
- *Fongers v. CareerBuilder, LLC, et al.*, No. 2019-CH-12804 (Ill. Cir. Ct. Cook Cnty.) – Lead counsel \$3.78 million class action settlement involving unlawful wage and commission policies.
- *Zanca et al. v. Epic Games, Inc.*, No. 21-CVS-534 (Sup. Ct. Wake Cnty. N.C.): Lead counsel in \$26.5 million settlement involving deceptive video game content sales.

Our cases regularly receive attention from local and national media, including in the Chicago Tribune, USA Today, the Wall Street Journal, the New York Times, the LA Times, by the Reuters and UPI news services, and BBC International. Our cases have appeared in numerous electronic media, including CNN, Fox News, NPR, and CBS, as well as programming outside of the United States.

## **GENERAL COMMERCIAL LITIGATION**

---

Our attorneys have handled a wide range of general commercial litigation matters, from partnership and business-to-business disputes. We have handled cases involving tens of thousands of dollars to “bet the company” cases involving billions of dollars. We have also represented non-profit corporations and handled numerous matters on a pro bono basis. Our attorneys have

collectively prosecuted hundreds of class actions, as well as participated in scores of arbitrations and mediations. All of our attorneys regularly practice in state and federal courts, including at the trial and appellate levels.

## **OUR ATTORNEYS**

---

**MYLES MCGUIRE** is Managing Partner of MCGUIRE LAW. He has been recognized as a leader in class actions and technology law by his peers and courts around the country.

Myles has been appointed lead counsel in numerous state and federal class actions resulting in hundreds of millions of dollars for his clients. He is regularly asked to weigh in on state and federal legislation involving his cases. An experienced litigation and appellate attorney, Myles has litigated class actions that have established precedent concerning the legality of converting cellular telephones into credit cards, the applicability of consumer protection statutes to internet businesses, and the interpretation of numerous other state and federal statutes including the Telephone Consumer Protection Act and Illinois' Biometric Information Privacy Act. He has successfully prosecuted numerous claims on behalf of his clients in trial and appellate courts at both the state and federal levels throughout the country involving consumer fraud, unfair competition, invasion of privacy, false advertising and breach of contract, among others.

Myles' practice includes the prosecution of nationwide and regional litigation, including multidistrict and putative class action litigation, and on appeals arising out of such litigation including in the U.S. Supreme Court where he served as lead counsel in a matter of fundamental importance for class action jurisprudence nationwide.

Myles has settled numerous class actions and has served as class counsel to many groundbreaking settlements in state and federal courts. As lead counsel, he has also secured settlements in cases of first impression involving Facebook, AT&T and Interpublic among many others, collectively worth hundreds of millions of dollars.

Myles has been asked by members of Congress to comment on proposed legislation involving the telecommunications industry and has provided testimony on related matters to state regulatory bodies including the California Public Utilities Commission (CPUC) and the Office of the Attorney General of the State of Florida, among others. He has repeatedly been recognized as an Illinois Super Lawyer.

Myles also represents clients in the technology and consumer product industries in a variety of commercial disputes, including intellectual property and employment matters. Myles also advises companies and non-profits on legal compliance and legislative issues in addition to handling many types of complex litigation.

Myles has been admitted to practice in many state and federal courts throughout the country and is a member of the bars of the Illinois Supreme Court, Wisconsin Supreme Court and U.S. Supreme Court.

Myles is a graduate of Marquette University and Marquette University Law School.

**EVAN M. MEYERS** is a Partner at MCGUIRE LAW. Evan is an experienced trial and appellate litigator who has handled all aspects of the litigation process – from pleadings through trial – for a broad range of complex litigation matters, including product manufacturing defects, healthcare technology, telecommunications, environmental, consumer fraud, and business torts.

Evan has extensive experience with consumer protection class action litigation, including matters involving technology, auto defects, and privacy claims; he has served as a lead attorney in scores of consumer class actions that have recovered hundreds of millions of dollars in damages for consumers across the nation; and has been appointed class counsel in dozens of class actions involving the Telephone Consumer Protection Act, BIPA, and consumer fraud claims for deceptive advertising and defective products and services including defective automobiles. *See, e.g., Prelipceanu v. Jumio Corp.*, 18-CH-15883 (Cir. Ct. Cook Cnty., Ill.); *Prather v. Wells Fargo Bank, N.A.*, No. 17-cv-00481 (N.D. Ill.); *Nelson v. Nissan North America, Inc.*, No. 17-cv-01140 (M.D. Tenn.); *Farag v. Kiip, Inc.*, No. 18-CH-31842 (Cir. Ct. Cook Cnty., Ill.); *Zanca et al. v. Epic Games, Inc.*, No. 21-CVS-534 (Sup. Ct. Wake Cnty. N.C.) (Class Counsel in \$26.5 million settlement involving deceptive video game content sales).

Evan has led litigation against major financial institutions in the wake of the financial crash of 2008. As co-lead counsel, Evan secured settlements with Citibank, Chase and Wells Fargo, among others, restoring hundreds of millions of dollars in credit lines to consumers.

An accomplished oral advocate, Evan has successfully argued before multiple trial and appellate courts, including the Ninth Circuit Court of Appeals in the seminal class action case of *Gomez v. Campbell-Ewald Co.*, 768 F.3d 871 (9th Cir. 2014), where he secured reversal of summary judgment prior to grant of a petition for writ of certiorari by the U.S. Supreme Court.

Prior to joining MCGUIRE LAW, Evan was a litigation associate at the national law firm Drinker Biddle & Reath LLP, where he represented a wide range of clients including Fortune 500 companies and municipalities. Additionally, Evan served as a judicial extern for the Hon. Wayne R. Andersen (Ret.) of the U.S. District Court for the Northern District of Illinois. Evan has been admitted to practice in numerous courts including the U.S. Supreme Court, the Ninth Circuit Court of Appeals, the Northern District of Illinois, the Eastern District of Michigan, and the Illinois Supreme Court.

Evan received his J.D., *cum laude*, from the University of Illinois College of Law and his B.A., with distinction, from the University of Michigan.

**EUGENE Y. TURIN** is a Partner at MCGUIRE LAW. Eugene concentrates his practice on consumer class action litigation with a particular focus on consumer privacy statutes, defective products, and false advertising. Eugene has significant knowledge of automotive engineering and has been involved in numerous class actions involving automotive defects. Eugene currently prosecutes class action litigation ongoing in state and federal district courts across multiple states including Illinois, California, New York, and Florida.



Eugene has been appointed class counsel by numerous federal and state courts across the country, including by the Central District of California, District of Minnesota, Northern District of Illinois; and the Circuit Court of Cook County (*see, e.g., Gonzalez v. Silva International, Inc.*, No. 20-CH-03514 (2021); *Rrapo v. Coffee Meets Bagel, Inc.*, No. 18-CH-13834 (2021); *Salkauskaite v. Sephora USA, Inc.*, No. 18-CH-14379 (2021); *Truong v. Peak Campus Management, LLC*, No. 16-CH-09735 (2018); *Valladares v. Blackboard, Inc, et al.*, No. 2016-CH-06482 (2017)).

Eugene is licensed to practice in Illinois and California and has been admitted to practice in several courts, including the Ninth Circuit Court of Appeals, the Seventh Circuit Court of Appeals, and the Northern District of Illinois. Eugene received his J.D., *magna cum laude*, from the Loyola University School of Law, where he also received his certificate in trial advocacy and was a member of the Loyola Law Journal and the ABA National Moot Court team. Eugene received his B.A., *summa cum laude*, from Loyola University Chicago. Eugene is licensed in both Illinois and California.

**PAUL T. GESKE** is a Partner at MCGUIRE LAW. Paul's practice consists of prosecuting consumer class action litigation in Illinois and throughout the country. In his practice, he primarily represents plaintiffs in consumer class actions and multi-state, complex litigation. He has served as class counsel on behalf of statewide and nationwide classes in a variety of matters, including cases involving emerging technology, privacy issues, consumer fraud, product liability, and product mislabeling claims.

Paul has significant federal appellate experience and routinely handles cases involving matters of first impression and issues of national significance. For example, he was a member of the litigation team that obtained a 6-3 victory before the U.S. Supreme Court in *Campbell-Ewald Co. v. Gomez*, 136 S. Ct. 663 (2016), resulting in a precedent-setting decision regarding the doctrine of mootness in class actions. Paul also successfully briefed and argued an appeal before the Sixth Circuit Court of Appeals in *Guertin et al. v. Michigan et al.*, 912 F.3d 907 (6th Cir. 2019) reh'g en banc denied, 924 F.3d 309, one of the lead cases in the Flint Water Crisis litigation. Guertin was the first Flint Water Crisis case to successfully state a claim for violation of the substantive due process right to bodily integrity.

Paul has served as lead counsel or class counsel in numerous successful class actions, such as *Vergara et al. v. Uber Techs., Inc.*, 15-cv-6942 (N.D. Ill.), where he represented three nationwide classes asserting TCPA claims against Uber, resulting in a \$20 million nationwide settlement. Paul also recently obtained favorable settlements on behalf of classes of consumers in *Fongers v. CareerBuilder, LLC, et al.*, 19-CH-12804 (Cir. Ct. Cook Cnty., Ill.), *Sheeley v. Wilson Sporting Goods, Co.*, 18-CH-04770 (Cir. Ct. Cook Cnty., Ill.), *Flahive v. Inventurus Knowledge Solutions, Inc.*, 17-CH-07570 (Cir. Ct. Cook Cnty., Ill.), *Pearlstone v. Wal-Mart Stores, Inc.*, Case No. 17-cv-02856 (E.D. Mo.), among many others. He has also been appointed to the Plaintiffs Steering Committee in the defective pharmaceutical class action *In re: Valsartan Products Liability Litigation*, MDL No. 19-2875 (D. N.J.).

Paul frequently writes articles for legal journals and publications: *Avoiding Pick-Off Moves in Class Actions*, Illinois Bar Journal (September 2017); *Class Actions Back from the Brink: The*



*Future of Mootness and “Pick-Offs” in Class Action Litigation Following Campbell-Ewald Co. v. Gomez*, JURIST.org (March 14, 2016); *Oppress Me No More: Amending the Illinois LLC Act to Provide Additional Remedies for Oppressed Minority Members*, 90 Chi-Kent L. Rev. 185 (2015); *Seventh Circuit Holds that Bankruptcy Trustee’s “Strong-Arm” Powers are Not Strong Enough for the IRS*, 10 Seventh Circuit Rev. 1 (2014).

Paul graduated *cum laude* and with distinction from the University of Illinois at Chicago, where he received his B.A. in Political Science with a minor in Economics. He received his J.D., *magna cum laude*, from the Chicago-Kent College of Law, where was also inducted into the Order of the Coif. During law school, Paul was an executive articles editor of the Chicago-Kent Law Review, an editor for the Seventh Circuit Review, and a judicial extern to the Honorable James R. Epstein (ret.) of the Illinois Appellate Court, First District.

**DAVID L. GERBIE** is a Partner at MCGUIRE LAW whose practice is focused on civil, commercial, and data privacy class action litigation. David is admitted to practice in Illinois, Wisconsin, the Northern District of Illinois and the Seventh Circuit Court of Appeals.

David has represented the interests of Illinois residents and workers in dozens of consumer privacy class actions. David has been appointed class counsel in several class action settlements, including the first-ever BIPA settlement involving an employer’s use of biometric timekeeping devices. *See Zepeda v. Intercontinental Hotels Group, Inc.*, 18-CH-2140 (Cir. Ct. Cook Cnty., Ill.). Through such cases David has been appointed to represent the interests of tens of thousands of employees and other workers whose biometrics were obtained in violation of BIPA. *See, e.g., Rogers v. CSX Intermodal Terminals, Inc.*, 19-CH-04168 (Cir. Ct. Cook Cnty., Ill.)

David was lead counsel in *Rogers v. BNSF Railway Co.*, No .19-cv-03083 (N.D. Ill.), which resulted in the first adversarial class certified in a BIPA case in Illinois and also the first trial in a BIPA case—earning a \$228 million judgment for the certified class.

David continues to litigate many BIPA and data breach class actions, as well as cases involving defective products and false advertising. David has served as a guest speaker on biometric privacy on several prestigious panels, including at The Sedona Conference and at the American Bar Association.

David received his J.D. from the University of Wisconsin Law School and received his B.A. from Northern Illinois University.

**WILLIAM P. KINGSTON** is an Associate at MCGUIRE LAW. William concentrates his practice in consumer class action and data privacy litigation, including biometric privacy litigation. William is admitted to practice law in Illinois and before the U.S. District Court for the Northern District of Illinois. William has been appointed as class counsel in multiple BIPA class action settlements.

Prior to joining MCGUIRE LAW, William advocated for underserved populations while working in a Fair Housing Clinic in Chicago, fighting against racial and income-based discrimination in

housing. In furtherance of his public interest efforts, William organized a community outreach program for union members in Chicago as a member of an affiliate of the AFL-CIO.

William received his J.D. from the John Marshall Law School and received his B.A. from Dalhousie University.

**TIMOTHY P. KINGSBURY** is an Associate at MCGUIRE LAW where he concentrates his practice on biometric privacy, consumer protection, automobile manufacturing defects, and mass tort litigation. Tim is admitted to practice in Illinois, the Northern District of Illinois, the Central District of Illinois, the Fourth Circuit Court of Appeals, and the Seventh Circuit Court of Appeals.

Tim is the lead attorney on numerous automotive and biometric privacy class action lawsuits, has been appointed Class Counsel in several biometric privacy and consumer protection class settlements, and served as class counsel in a major settlement involving defective automotive paint that resulted in over \$30 million in benefits being provided in *Nelson v. Nissan North America, Inc.*, No. 17-cv-01140 (M.D. Tenn.). *See, e.g., Freeman-McKee v. Alliance Ground Int'l, LLC*, 2017-CH-13636 (Cir. Ct. Cook County, Ill.); *Jackson v. UKG, Inc.*, No. 2020L31 (McLean Cnty, Ill.); *Roberts v. Paramount Staffing, Inc.*, 17-CH-15522 (Cir. Ct. Cook Cnty., Ill.); *Roberts v. Paychex, Inc.*, No. 19-CH-00205 (Cir. Ct. Cook Cnty., Ill.); *Zanca et al. v. Epic Games, Inc.*, No. 21-CVS-534 (Sup. Ct. Wake Cnty., N.C.).

Prior to joining MCGUIRE LAW, Tim clerked for a leading Chicago-area defense firm and apprenticed in the legal department of one of the country's largest franchisors.

Tim received his J.D., *cum laude*, from the University of Illinois College of Law, where he served as an editor of the Illinois Law Review and as a member of the Community Preservation Clinic of Champaign-Urbana, where he represented the underprivileged in foreclosure proceedings.

Tim received his B.A. from Princeton University and is a member of Illinois State Bar Association and the Chicago Bar Association.

**ANDREW T. HELDUT** is an Associate at MCGUIRE LAW where he concentrates his practice on consumer protection matters. Andrew assists in the prosecution of several consumer class action lawsuits and is admitted to practice law in Illinois and in the Northern District of Illinois. Most recently Andrew worked with other MCGUIRE LAW attorneys to achieve a \$7 million biometric privacy class action settlement in *Prelipceanu v. Jumio Corp.*, 18-CH-15883 (Cir. Ct. Cook Cnty., Ill.).

Prior to joining MCGUIRE LAW, Andrew served as an assistant to various aldermanic campaigns in Chicago and for the office of U.S. Senator Richard J. Durbin. Andrew received his J.D. from the John Marshall Law School, where he served in various student organizations focused on achieving peace and economic development in Eastern Europe and Middle East.

Andrew received his B.A. from the University of Strathclyde (U.K.) and is a member of American Bar Association and the Chicago Bar Association.

**BRENDAN DUFFNER** is an Associate at MCGUIRE LAW where he concentrates his practice on biometric privacy and consumer protection matters.

Brendan joined MCGUIRE LAW in 2017 and has been appointed class counsel on behalf of thousands of consumers in cases involving violations of consumer privacy rights, deceptive sales practices, and biometric privacy rights. *See, e.g., Draland v. Timeclock Plus, LLC*, No. 19-CH-12769 (Cir. Ct. Cook Cnty., Ill.); *Fongers v. CareerBuilder, LLC, et al.*, No. 19-CH-12804 (Cir. Ct. Cook Cnty., Ill.); *Jackson v. UKG, Inc.*, No. 2020L31(McLean Cnty, Ill.); *Rogers v. CSX Intermodal Terminals, Inc.*, No. 19-CH-04168 (Cir. Ct. Cook Cnty., Ill.); *Rogers v. Illinois Central Railway Company*, No. 19-CH-05129 (Cir. Ct. Cook Cnty., Ill.); *Roberts v. Paychex, Inc.*, No. 19-CH-00205 (Cir. Ct. Cook Cnty., Ill.); *Pearltone v. Costco Wholesale Corp.*, No. 4:18-cv-00630-SRC (E.D. Mo.); *Pearlstone v. Wal-Mart Stores, Inc.*, No. 17-cv-02856 (E.D. Mo.); *Williams, et al., v. Inpax Shipping Solutions, Inc., et al.*, No. 18-CH-02307 (Cir. Ct. Cook Cnty., Ill.); *Rogers v. BNSF Railway Co.*, No. 19-cv-03083 (N.D. Ill.) *Wordlaw v. Enterprise Holdings, Inc. et al.* (N.D. Ill.); *King v. Peoplenet Corporation* (Cir. Ct. Cook Cnty., Ill.)

Brendan received his J.D. from Saint Louis University School of Law where he served as a member of the Entrepreneurship and Community Development Clinic, assisting small businesses in entity formation and trademark prosecutions, achieving academic excellence in the area of Trademark and Unfair Competition.

Brendan received his B.A. in economics from the University of Wisconsin-Madison and is a member of Illinois State Bar Association and the Chicago Bar Association.

**COLIN BUSCARINI** is an Associate at MCGUIRE LAW where he concentrates his practice on consumer protection and privacy matters. Colin was recently appointed class counsel in *Zanca et al. v. Epic Games, Inc.*, No. 21-CVS-534 (Sup. Ct. Wake Cnty., N.C.) where he was part of the team of attorneys from McGuire Law that secured \$26.5 million in settlement benefits to individuals who were subject to deceptive advertising of in-game content for one of the most popular video games in the country.

Prior to joining MCGUIRE LAW, Colin served as a licensed mediator of the Circuit Court of Cook County and as a member of the civil litigation department of a midwestern law firm. Colin received his J.D. from UIC John Marshall Law School.

Colin received his B.A. from the University of South Dakota and is a member of Illinois State Bar Association.

**CHANDNE JAWANDA** is an Associate at MCGUIRE LAW where she concentrates her practice on consumer protection matters. Chandne has been involved in helping MCGUIRE LAW reach many of the BIPA settlements that have provided millions in benefits to Illinois residents whose privacy rights have been violated. Chandne is also currently involved in litigating deceptive consumer practices in relation to false advertising of cosmetics products nationwide and helping represent consumers in Illinois, New York, Florida, and California (*Hogan et al. v. Ulta Salon, Cosmetics & Fragrance, Inc.*, No. 651986/2020 (Supr. Ct. N.Y. Cnty., N.Y.)).

Prior to joining MCGUIRE LAW, Chandne served as a teaching assistant at the University of Illinois Chicago School of Law and as a member of the Student Bar Association. Consumer Law Clinic and the Moot Court Board. Chandne received her J.D. from the University of Illinois Chicago School of Law where she was a member of the Dean's List.

Chandne received her B.A. from the University of Arkansas and is a member of Illinois and Chicago State Bar Associations.

**JORDAN R. FRYINGER** is an Associate at MCGUIRE LAW where he concentrates his practice on consumer protection matters. Jordan has been instrumental in MCGUIRE LAW's pursuit of claims against the recent rise of deceptive practices by providers of "free-to-play" video games targeted at minors who unknowingly purchase hundreds of dollars of largely worthless in-game content without any ability to exercise their right to receive a refund. (*Zanca et al. v. Epic Games, Inc.*, No. 21-CVS-534 (Sup. Ct. Wake Cnty. N.C.); *J.R. et al. v. Electronic Arts, Inc.*, No. CVRI2200642, Sup. Ct. Riverside Cnty., Ca.)).

Prior to joining MCGUIRE LAW McGuire Law, Jordan assisted with litigation defense for firms located in New York and Massachusetts.

Jordan received his J.D. *cum laude*, from Loyola University Chicago School of Law where he served as a member of Mediation and Advocacy Clinic representing multiple clients during EEOC and IDHR employment disputes. Jordan received B.A. from the University of Idaho and is a member of the Illinois State Bar Association.

**JOSEPH M. DUNKLIN** is an Associate at MCGUIRE LAW where he concentrates on class action and complex litigation related to data privacy and other consumer protection matters. Much of his practice is informed by professional experience in the fields of supply chain management and consumer data analytics.

Prior to joining MCGUIRE LAW, Joseph assisted with appellate matters for the Louisiana Capital Assistance Center, participated in Land of Lincoln Legal Aid's expungement summits, and interned within the United States House of Representatives.

Joseph received his J.D. from the University of Illinois College of Law, where he served as an editor of the University of Illinois Law Review. Joseph received his B.B.A in International Business from Loyola University Chicago. Joseph is a California native and a member of the Illinois State Bar Association.